LE COPY

FILED
JAN 28 1965
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. 842

PAN-AMERICAN LIFE INSURANCE COMPANY,
Petitioner,

v.

ROLANDO MENENDEZ BOTANA,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE DISTRICT COURT OF APPEAL
OF FLORIDA, THIRD DISTRICT

RESPONDENT'S BRIEF

MILTON KELNER
25 West Flagler Street
Miami, Florida 33131

IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. _____

PAN-AMERICAN LIFE INSURANCE COMPANY,

Petitioner,

v.

ROLANDO MENENDEZ BOTANA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

RESPONDENT'S BRIEF

ARGUMENT

An examination of the cases,

1. Pan American Life Ins. Co. v. Recio, 84 S. Ct. 1908, 377 U.S. 990,

2. Pan American Life Ins. Co. v. Raij, Case No. 33062, 1964,

3. Pan American Life Ins. Co. v. Lorido, 84 S. Ct. 1132, 1905, 376 U.S. 973, 378 U.S. 554, and

4. Pan American Life Ins. Co. v. Ajuria, 84 S. Ct. 1922, 378 U.S. 582,

when compared with the instant case reveals the following:

(a) The insurance policy in each of the five cases is substantially identical.

(b) Petitioner's Petition For A Writ of Certiorari raises identical questions.

(c) Substantially the same argument, verbatim, is made and the same cases are cited.

(d) The same attorneys represent the same petitioner.

Accordingly, the respondent can see no useful purpose in further argument.

CONCLUSION

There appears to be no ground for granting a writ of certiorari. The petition appears to have been filed merely for delay. Pursuant to United States Supreme Court Rule 56, reasonable damages should be awarded respondent.

The Petition for Writ of Certiorari should be denied.

Respectfully submitted,

MILTON KELNER

MILTON KELNER
Counsel for Respondent
25 West Flagler Street
Miami, Florida 33131

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copy of the foregoing brief was mailed to James A. Dixon, 900 Dade Federal Building, Miami, Florida 33131 and Sam Daniels, 1414 duPont Building, Miami, Florida 33131, Attorneys for appellees, by mail this 26 day of January, 1965.

MILTON KELNER

Milton Kelner